

FORM PTO-1390 (Modified) U.S. PATENT AND TRADEMARK OFFICE; U.S. DEPARTMENT OF COMMERCE (REV. 7-2005)		ATTORNEY'S DOCKET NUMBER 19746
TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A SUBMISSION UNDER 35 U.S.C. 371		U.S. APPLICATION NO. (If known, see 37 CFR 1.5) <div style="font-size: 1.5em; font-weight: bold;">10/575928</div>
INTERNATIONAL APPLICATION NO. PCT/AU2004/001423	INTERNATIONAL FILING DATE 15 October 2004 (15.10.2004)	PRIORITY DATE CLAIMED 15 October 2003 (15.10.2003)*
TITLE OF INVENTION POXVIRUS VECTOR ENCODING RETROVIRUS (EG HIV) AND CYTOKINE		
APPLICANT(S) FOR DO/EO/US Larry D. Ward and Helen Thomson		
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:		
<ol style="list-style-type: none"> 1. <input checked="" type="checkbox"/> This is a FIRST submission of items concerning a submission under 35 U.S.C. 371. 2. <input type="checkbox"/> This is a SECOND or SUBSEQUENT submission of items concerning a submission under 35 U.S.C. 371. 3. <input type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (24) indicated below. 4. <input checked="" type="checkbox"/> The US has been elected (Article 31). 5. <input checked="" type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371 (c)(2)) <ol style="list-style-type: none"> a. <input type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau). b. <input checked="" type="checkbox"/> has been communicated by the International Bureau. c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US). 6. <input type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)). <ol style="list-style-type: none"> a. <input type="checkbox"/> is attached hereto. b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4). 7. <input checked="" type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371 (c)(3)) <ol style="list-style-type: none"> a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau). b. <input type="checkbox"/> have been communicated by the International Bureau. c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired. d. <input checked="" type="checkbox"/> have not been made and will not be made. 8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)). 9. <input type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371 (c)(4)). 10. <input type="checkbox"/> An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371 (c)(5)). 11. <input checked="" type="checkbox"/> A copy of the International Preliminary Examination Report (PCT/IPEA/409). 12. <input checked="" type="checkbox"/> A copy of the International Search Report (PCT/ISA/210). 		
Items 13 to 23 below concern document(s) or information included:		
<ol style="list-style-type: none"> 13. <input type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98. 14. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included. 15. <input type="checkbox"/> A FIRST preliminary amendment. 16. <input type="checkbox"/> A SECOND or SUBSEQUENT preliminary amendment. 17. <input type="checkbox"/> A substitute specification. 18. <input type="checkbox"/> A power of attorney and/or change of address letter. 19. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 - 1.825. 20. <input type="checkbox"/> A second copy of the published International Application under 35 U.S.C. 154(d)(4). 21. <input type="checkbox"/> A second copy of the English language translation of the International Application under 35 U.S.C. 154(d)(4). 22. <input checked="" type="checkbox"/> Express Mail Label No. EV 657313719 US 		

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

U.S. APPLICATION NO (if known, see 37 CFR 1.5) <div style="font-size: 2em; font-weight: bold; margin-top: 10px;">10/575928</div>	INTERNATIONAL APPLICATION NO. <div style="font-weight: bold; margin-top: 10px;">PCT/AU2004/001423</div>	ATTORNEY'S DOCKET NUMBER <div style="font-weight: bold; margin-top: 10px;">19746</div>
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23. Other items or information:

***Continuation of Priority Date claimed: 16 October 2003 (16.10.2003)**

ourtesy copy of International Application

Twenty-eight (28) sheets of drawings

Twenty-three (23) sheets of sequence listing

Assignee: Virax Development Pty Ltd of
Kew, Victoria, Australia

	CALCULATIONS	PTO USE												
The following fees have been submitted: 24. <input checked="" type="checkbox"/> Basic national fee \$300	\$ 300.00													
25. <input checked="" type="checkbox"/> Examination fee (37 CFR 1.492(c)) If the written opinion prepared by ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article \$0 All other situations. \$200	\$ 200.00													
26. <input checked="" type="checkbox"/> Search fee (37 CFR 1.492(b)) If the written opinion of the ISA/US or the International preliminary examination report by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4). . . \$0 Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the as an International Searching Authority. \$100 International Search Report prepared by an ISA other than the US and provided to the previously communicated to the US by the IB. \$400 All other situations. \$500	\$ 400.00													
TOTAL OF 24, 25 and 26 =	\$ 900.00													
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing in compliance with 37 CFR 1.821(c) or (e) or computer program listing in an electronic medium) (37 CFR 1.492(j)). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.														
<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>Total Sheets</th> <th>Extra Sheets</th> <th>Number of each additional 50 or fraction thereof (round up to a whole)</th> <th>RATE</th> </tr> </thead> <tbody> <tr> <td>106 - 100 =</td> <td>6 /50 =</td> <td>1</td> <td>x \$250.00</td> </tr> </tbody> </table>	Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof (round up to a whole)	RATE	106 - 100 =	6 /50 =	1	x \$250.00	\$ 250.00					
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof (round up to a whole)	RATE											
106 - 100 =	6 /50 =	1	x \$250.00											
Surcharge of \$130.00 for furnishing any of the search fee, examination fee, or the oath or declaration after the date of commencement of the national stage (37 CFR 1.492(h)).	\$ 130.00													
<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>CLAIMS</th> <th>NUMBER FILED</th> <th>NUMBER EXTRA</th> <th>RATE</th> </tr> </thead> <tbody> <tr> <td>Total claims</td> <td>71 - 20 =</td> <td>51</td> <td>x \$50.00</td> </tr> <tr> <td>Independent claims</td> <td>7 - 3 =</td> <td>4</td> <td>x \$200.00</td> </tr> </tbody> </table>	CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	Total claims	71 - 20 =	51	x \$50.00	Independent claims	7 - 3 =	4	x \$200.00	\$ 2,550.00	
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE											
Total claims	71 - 20 =	51	x \$50.00											
Independent claims	7 - 3 =	4	x \$200.00											
<table border="1" style="width: 100%; border-collapse: collapse;"> <tbody> <tr> <td style="width: 40%;">Independent claims</td> <td style="width: 20%;">7</td> <td style="width: 20%;">- 3 =</td> <td style="width: 20%;">4</td> <td style="width: 10%;">x</td> <td style="width: 10%;">\$200.00</td> </tr> </tbody> </table>	Independent claims	7	- 3 =	4	x	\$200.00	\$ 800.00							
Independent claims	7	- 3 =	4	x	\$200.00									
MULTIPLE DEPENDENT CLAIMS (if applicable) <input checked="" type="checkbox"/> + \$360.00	\$ 360.00													
TOTAL OF ABOVE CALCULATIONS =	\$ 4,990.00													
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Fees above are reduced by 1/2.	\$ 0.00													
SUBTOTAL =	\$ 4,990.00													
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(i)).	\$ 0.00													
TOTAL NATIONAL FEE =	\$ 4,990.00													
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40 per property +	\$ 0.00													
TOTAL FEES ENCLOSED =	\$ 4,990.00													
	Amount to be	\$												
	Amount to be	\$												

10/575928

IAP15 Rec'd PCT/PTO 14 APR 2006

PTO-4398 (Rev. 07-2005)

Approved for use through 3/31/2007. OMB 0651-0021

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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- a. ☒ A check in the amount of \$ \$4,990.00 to cover the above fees is enclosed.
- b. ☐ Please charge my Deposit Account No. _____ in the amount of \$ _____ to cover the above fees.
A duplicate copy of this sheet is enclosed.
- c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 19-1013/SSMP. A duplicate copy of this sheet is enclosed.
- d. ☐ Fees are to be charged to a credit card. **WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.

SEND ALL CORRESPONDENCE TO:

Edward W. Grolz
SCULLY, SCOTT, MURPHY & PRESSER, P.C.
400 Garden City Plaza, Suite 300
Garden City, New York 11530
(516) 742-4343

EWG/ej


SIGNATURE

Edward W. Grolz

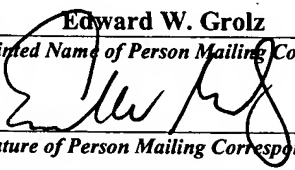
NAME

33,705

REGISTRATION NUMBER

April 14, 2006

DATE

CERTIFICATE OF MAILING BY "EXPRESS MAIL" (37 CFR 1.10)			Docket No.	
Applicant(s): Larry D. Ward, et al.			19746	
Application No. Unassigned	Filing Date Herewith	Examiner Unassigned	Customer No. 23389	Group Art Unit Unassigned
Invention: POXVIRUS VECTOR ENCODING RETROVIRUS (EG HIV) AND CYTOKINE				
I hereby certify that the following correspondence:				
New U.S. Patent Application Under 35 U.S.C. 371				
(Identify type of correspondence)				
is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on				
<u>April 14, 2006</u> (Date)				
<u>Edward W. Grolz</u> (Typed or Printed Name of Person Mailing Correspondence)				
 (Signature of Person Mailing Correspondence)				
<u>EV 657313719 US</u> (("Express Mail" Mailing Label Number)				
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